

1 upon signing this stipulation she may not rescind or revoke her
2 acceptance.

3 4. Respondent further understands that this
4 Stipulation and Consent Order, once approved and signed, shall
5 constitute a public record which maybe disseminated as a formal
6 disciplinary action of the Board.

7 5. Any admissions made by Respondent are solely for
8 the stipulated disposition of the Board Complaint and are not
9 intended as an admission against her interest or an admission of
10 liability in any civil litigation.

11 6. Respondent is aware that any violation of said
12 Consent Order constitutes unprofessional conduct pursuant to
13 A.R.S. § 32-854(26) and may result in disciplinary action
14 pursuant to A.R.S. § 32-1855.

15 ACCEPTED this 16th day of March, 1995.

16
17 Susan M. Smith, D.O.
18 SUSAN SMITH, D.O.

19 Reviewed and Approved as to form by:

20
21 James H. Hall
22 Counsel for Respondent

23 FINDINGS OF FACT

24 1. The Board of Osteopathic Examiners of the State of
25 Arizona ("Board") is the duly constituted authority for the
26 regulation and control of the practice of osteopathic medicine in

1 the State of Arizona, pursuant to A.R.S. § 32-1800, et seq., as
2 amended.

3 2. Susan Smith, D.O. (hereinafter, "Respondent"), is
4 the holder of License No. 2606 for the practice of medicine in
5 the State of Arizona.

6 3. The Board duly served an Order of Summary
7 Suspension and formal complaint upon Respondent.

8 4. The Respondent with the assistance of counsel and
9 counsel for the State presented the terms for a stipulated order
10 for disposition of this matter; and, Respondent agreed to accept
11 the terms described for the stipulated disposition of this
12 matter.

13 5. Pursuant to the aforementioned stipulation which is
14 incorporated herein by reference, the Board finds that the
15 factual allegations set forth in the Board's complaint at
16 paragraphs 4 through 15 are true and supported by substantial
17 evidence, for the purposes of these administrative proceedings.

18 CONCLUSIONS OF LAW

19 1. The Board of Osteopathic Examiners of the State of
20 Arizona possesses jurisdiction over the subject matter hereof and
21 over Respondent, and pursuant to A.R.S. § 32-1800, et seq., as
22 amended.

23 2. The conduct alleged in the Board's Complaint at
24 paragraphs 4 through 14 constitutes unprofessional conduct as
25 defined in A.R.S. § 32-1854(26): Violating a formal order,
26

1 probation or a stipulation issued by the Board under this
2 chapter.

3 3. The conduct alleged in paragraph 15 constitutes
4 unprofessional conduct as defined in A.R.S. § 32-1854(21):
5 Failing to maintain adequate records on a patient.

6 CONSENT ORDER

7 Pursuant to the authority vested in the Board by A.R.S.
8 § 32-1855 and A.R.S. § 41-1061(D), IT IS HEREBY ORDERED THAT:

9 1. SUSAN SMITH, D.O. (Respondent) is suspended
10 retroactive to the date of the Board's summary suspension order
11 of December 6, 1994, and said suspension shall terminate as of
12 the effective date of this Order; but, Respondent is placed upon
13 probation for four (4) years and shall comply with the terms and
14 conditions of probation set forth herein.

15 2. For a minimum of one year from the date of this
16 Order, Respondent shall obtain psychiatric or psychological
17 treatment by a therapist(s) who is either a licensed psychiatrist
18 and/or psychologist and is selected by Respondent. Respondent
19 shall inform the Board by letter (mailed within ten days of the
20 date of this Order) of the therapist's name; and, Respondent
21 shall undertake and fully cooperate with a program of treatment
22 established by the therapist. In the event Respondent changes
23 therapist, she shall give the Board written notice within ten
24 (10) days of said action; and, Respondent shall not discontinue
25 psychotherapy until she has submitted a written request to the
26 Board for discontinuance and obtained Board approval.

1 3. Respondent's therapist shall receive a copy of this
2 Order, the Board's summary suspension order and Board staff shall
3 cooperate with and disclose all relevant information held by the
4 Board concerning Respondent. The treating therapist shall be
5 directed by Respondent to send to the Board a written progress
6 report every two (2) months; and, Respondent shall waive any
7 confidentiality concerning her psychotherapy in order that the
8 Board may receive full disclosure of information. The expense of
9 the aforementioned therapy and the reports to the Board by
10 Respondent's therapist shall be the sole responsibility of the
11 Respondent.

12 4. Respondent may have her license to practice as an
13 osteopathic physician restricted, suspended or revoked by the
14 Board in the future if:

- 15 (A) The Board finds that Respondent does not have the
16 requisite mental, physical and emotional fitness to
17 continue the practice of medicine; or,
18 (B) There are new grounds for finding unprofessional
19 conduct concerning Respondent.

20 5. Respondent shall abstain completely from the
21 consumption of alcoholic beverages; and, Respondent shall not
22 consume illicit drugs or take any controlled substances (i.e.,
23 prescription only drugs), unless such medication was prescribed
24 for her by her treating physician. Respondent shall maintain a
25 monthly log (for the duration of probation) of all prescription
26

1 only drugs taken by her and such log shall include the following
2 information:

- 3 (a) the name of the medication;
- 4 (b) name of prescribing physician;
- 5 (c) reason for the medication.

6 At the first of each month, Respondent shall report by
7 letter to the Board whether or not she is taking any prescription
8 only medication and, if so, a copy of her log reflecting the
9 above information.

10 6. Respondent shall also as part of her probation:
11 (A) submit to and cooperate in any independent evaluation that is
12 ordered by the Board for Respondent and conducted by the Board's
13 designated physician and/or psychologist which shall be paid for
14 by the Board; and (B) appear before the Board, upon receipt of a
15 request by written or telephonic notification from the Board's
16 executive director which shall be given at least five (5) days
17 prior to the Board meeting; and, (C) submit to random biological
18 fluid testing and promptly provide (i.e., within 60 minutes of
19 notification) required biological fluids for testing and said
20 testing shall be done at the Respondent's expense.

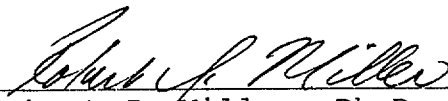
21 7. This Order shall supercede and replace all prior
22 orders of the Board concerning Respondent.

23 8. In the event Respondent ceases to reside in
24 Arizona, she shall give written notice to the Board of her new
25 residence address within twenty (20) days of moving; and, the
26

1 terms and duration of probation may be stayed by the Board until
2 Respondent returns to Arizona.

3 ISSUED AND EFFECTIVE this 17th day of May, 1995.

4 ARIZONA BOARD OF OSTEOPATHIC
5 EXAMINERS IN MEDICINE AND SURGERY

6
7 
8 Robert J. Miller, Ph.D.
9 Executive Director

10 COPY of the foregoing mailed this
11 18th day of May, 1995, to:

12 Susan Smith, D.O.
13 _____
14 _____

15 Jerry Steele
16 Attorney At Law
17 4131 N. 24th Street, #C-201
18 14th Floor
19 Phoenix, Arizona 85016
20 Attorney for Respondent

21 Michael Harrison, Esq.
22 Assistant Attorney General
23 1275 West Washington
24 Phoenix, Arizona 85007

25 By: _____
26 Legal Secretary
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